

REMARKS

Claims 58-61 and 63-66 are pending in the present application, claim 62 and 67-82 having been canceled without prejudice or disclaimer. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 58-66 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takayama (US Patent Publication 2002/0194121, hereinafter Takayama). This rejection is respectfully traversed for the following reasons.

Claim 58 recites a communication terminal comprising a first wireless communication section that receives, from other terminal within a distance for communicating with the communication terminal, the information including a communication method for a second wireless communication section, a second wireless communication section that establishes a communication session using the information received via the first wireless communication section. This is not taught, disclosed or made obvious by the prior art of record.

The Examiner has stated a claim language issues in the conclusion regarding the terms “operable to authenticate,” “operable to establish,” “operable to receive,” and “operable to transmit.” Claims 58, 60, 63, and 65 have been amended to address these concerns, and are now properly construed.

Newly amended independent claim 58 recites a communication terminal comprising, in part, the following:

a first wireless communication section that receives, from other terminal within a distance for communicating with said communication terminal, information for starting communication with the other terminal, said information including a communication method for a second wireless communication section;

a second wireless communication section that establishes a communication session using said information received via said first wireless communication section.

Takayama fails to disclose or suggest that "a second wireless communication section that establishes a communication session using said information *received via said first wireless communication section*" (emphasis added). Takayama merely discloses (in col. 4, Para 0060-0062; Col. 5, Para 0067; Col. 7, lines 52-67; Col. 8, lines 1-53; Col. 9, lines 8-35, cited by the Examiner), that a Personal Credit Terminal and a Credit Settlement Device communicate with each other by means of infrared ray radiation but they do not communicate with each other directly by means of another radio communication means (e.g., a digital telephone communication). Therefore, it is clear that in Takayama, the Personal Credit Terminal does not communicate with the Credit Settlement Device via the radio communication means (assuming *a arguendo* that it could be regarded as second wireless communication means) using information including the communication method via the infrared ray radiation (assuming *a arguendo* that it could be regarded as first wireless communication means).

Furthermore, Takayama fails to disclose or suggest "said information including a communication method for said second wireless communication section" (emphasis added), in any part that the Examiner has referenced (Col. 4, Para 0060-0062; Col. 5, Para 0067; Col. 2, Para 0029; Col. 25, Para 0441, and Col. 26, Para 0462).

For newly amended independent claim 63, as discussed as per claim 58, Takayama fails to disclose or suggest that "a first wireless communication section that transmits, to other terminal within a distance for communicating with said communication terminal, information for starting communication with the other terminal, and receives from said other terminal a message including a communication method" (emphasis added).

In view of the foregoing, it is submitted that the present invention, as recited in each of independent claims 58 and 62, as well as claims 59-61 and 64-66 dependent therefrom, is clearly allowable, and the Examiner is kindly requested to reconsider and withdraw the rejections of record and promptly pass this case to issuance.

If the Examiner has any questions, or if the Examiner has any comments or suggestions as to how to place this case in condition for allowance, he is kindly rto contact the undersigned at 202-628-5197.

Respectfully submitted,

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